

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BRIAN FEDERICO,  
  
Defendant.

Case No. 4:12-cr-00862-YGR-2

**ORDER GRANTING IN PART AND DENYING  
IN PART REQUEST TO CONTINUE  
SURRENDER DATE**

Re: Dkt. No. 541

Defendant Brian Federico has filed a request to continue the surrender date from June 8, 2021 to August 7, 2021. (Dkt. No. 541.) Federico bases his request on that (1) he will be fully vaccinated from the ongoing coronavirus pandemic (COVID-19) under the current medical guidelines (including the post-two week period after the second dose) on June 10, 2021, and (2) the United States Court of Appeals for the Ninth Circuit will hear the appeal of this matter on July 27, 2021. With regard to the second point, Federico states that this would permit the Ninth Circuit an opportunity to consider a renewed motion for release on bail pending appeal. The motion states that the United States opposes the request for a continuance of a surrender date.

On this second ground, Federico does not persuade. The Court already considered and rejected Federico's motion for release on bail pending appeal. (*See* Dkt. Nos. 515 (initial continuance), 531 (Order denying motion for release on bail pending appeal).) In that Order and in subsequent Orders granting the parties stipulations, the Court has made explicit that the continuance of the surrender date was due only to COVID-19. (*See also* Dkt. Nos. 537, 540 (Orders granting stipulations).) Federico has not demonstrated that the motion should be granted on this ground where the Court has already rejected Federico's arguments. (*See* Dkt. No. 531.) Thus, the motion is **DENIED IN PART** on this ground.


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With respect to the first ground, the Court agrees that a short continuance is necessary to ensure Federico is properly inoculated and therefore safe against any potential or future COVID-19 outbreaks. The Court will thus **GRANT IN PART** the request to continue the surrender date to **June 11, 2021**.

This Order terminates Docket Number 541.

**IT IS SO ORDERED.**

Dated: June 2, 2021

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE

cc: USM; Probation